

REMARKS

These amendments and remarks are responsive to the non-final Office Action issued on December 11, 2007. By this Response, claim claims 1, 3, 7, 9 and 18 are amended. No new matter is added. Claims 1 and 3-18 are now active for examination.

The Office Action rejects claims 1, 3, 5 and 18 under 35 U.S.C. §103(a) as being unpatentable over Morimoto (U.S. Patent No. 5,784,059) in view of Ito (U.S. Patent 4,988,996). Claims 4, 9-10 and 12-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Morimoto in view of Ito, and further in view of Damiani (U.S. Patent 6,667,726). Claims 6-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Morimoto and Ito, and further in view of Oishi (U.S. Patent 4,058,796). Claims 8 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Morimoto in view of Ito, and further in view of Entenmann (U.S. Patent 6,957,142). The rejections are respectfully overcome in view of the amendments and/or remarks presented herein.

By this Response, claim 1 is amended to improve wording. Appropriate support for the amendment can be found in, for example, page 14, lines 9-19 of the application. Claim, 1 as amended, describes a display system (S1, S2) for a vehicle that provides a dynamic alternation to menus displayed to a driver according to driving load on the driver. For instance, a menu with less selection tiers is displayed with the driver is driving. The system includes a driving load determination unit (14, 15, 16) which determines a driving load of the driver and a display control unit (12, 13, 15, 111) which determines the operation menu to be displayed on the screen using a menu with more tiers or fewer tiers, according to the driving load on the driver. The display control unit determines a timing to switch from displaying the menu with more tires to the menu with fewer tiers, based upon an operation capability of the driver in inputting command. An “operation capability” generally refers to a user’s capability of operation in terms

of, for example, speed and dexterity. See page 1, lines 26-27 of the written description. For instance, as described in claim 3, an exemplary operation capability judgment unit monitors operation time of the user to judge the operation capability of the user.

However, the combination of Morimoto and Ito does not meet these limitations. The Office Action correctly acknowledges that Morimoto fails to disclose a driving load determination unit that determines a driving load on the user. Furthermore, as Morimoto does not determine a driving load on the user, Morimoto also fails to teach determining an operation menu to be displayed on the screen, using first menu information or second menu information having a less number of tiers comparing to the first menu information, according to the driving load on the user, as described in claim 1. Moreover, Morimoto fails to disclose a display control unit that determines, based upon the operation capability of the user, a timing to shift from displaying the operation menu using the first menu to displaying the operation menu using the second menu.

The Office Action asserts that Ito allegedly discloses the missing features in column 4, lines 22-25 and 45-61. However, upon detailed review of the Ito document, it was found that Morimoto, even if modified by Ito as proposed by the Office Action, still fails to meet every limitation of claim 1. Ito describes a variable display device 15 that is used to display three groups of information 16, 17 and 18. See col. 3, lns. 5-7 of Ito. The cited paragraphs describe a mode switch 39 for switching the display 15 between two different groups of information 16 or 17. If it is determined that there is any abnormality exists in the vehicle, the switching operation is prohibited. Instead, the display device 15 is used to display warning signals (information 18) (“However, the operator's ability to change between the first and second displays 16 and 17 is subject to whether there is any abnormality in information regarding at least one of the various

operating and navigating conditions of the vessel. If a particular condition is detected to be outside of its Predetermined range, warning information regarding that condition is automatically flashingly displayed on the variable display 15. This warning information is part of the warning display 18 and may be accompanied by a warning buzzer.”). Accordingly, what the cited paragraphs describe is using the display device 15 to display warning information 18 when abnormality is detected, or information groups 16 or 17 when no abnormality is detected.

If Morimoto is combined with Ito, the combination, at most, produces a system having a display device 15 allegedly capable of displaying two types of menus (according to Morimoto), and alternatively, when an abnormality exists, using **same** the display device 15 to display a warning signal related to the abnormality (according to the purported teaching of Ito). Apparently, the display of the warning signal has nothing to do with switching between the two types of menus, let alone the timing of switching between the menus.

Accordingly, contrary to the assertion in the office action, the combination of Morimoto and Ito fails to disclose (1) determining a driving load on the user. Furthermore, as Morimoto does not determine a driving load on the user, (2) determining an operation menu to be displayed on the screen, using first menu information or second menu information having a less number of tiers comparing to the first menu information, according to the driving load on the user, and (3) determining, based upon the operation capability of the user, a timing to shift from displaying the operation menu using the first menu to displaying the operation menu using the second menu, as described in claim 1. Accordingly, claim 1 is patentable over the combination of Morimoto and Ito. Independent 18 also is patentable over Morimoto and Ito for at least the same reasons as for claim 1.

Claims 3 and 8 directly or indirectly depend on claim 1. Therefore, the obviousness rejection of claims 3 and 8 is overcome by virtue of their dependencies.

Claims 4, 9, 10 and 12-17, directly or indirectly, depend on claim 1 and incorporate every limitation thereof. The obviousness rejection of claims 4, 9, 10 and 12-17 over the combination of Morimoto, Ito and Damiani is respectfully traversed because the alleged combination does not teach every limitation of the claims.

As discussed earlier relative to claim 1, the combination of Morimoto and Ito does not meet every limitation of claim 1, the base claim of claims 4, 9, 10 and 12-17. Damiani has not alleviated the deficiencies. According to the Office Action, Damiani is cited for its alleged determination of whether the speed of a vehicle is below a predetermined threshold value, but Damiani does not disclose (1) determining a driving load on the user. Furthermore, as Morimoto does not determine a driving load on the user, (2) determining an operation menu to be displayed on the screen, using first menu information or second menu information having a less number of tiers comparing to the first menu information, according to the driving load on the user, and (3) determining, based upon the operation capability of the user, a timing to shift from displaying the operation menu using the first menu to displaying the operation menu using the second menu, as incorporated in claims 4, 9, 10 and 12-17. Accordingly, claims 4, 9, 10 and 12-17 are patentable over the combination of Morimoto, Ito and Damiani.

Claims 6-8 and 11, directly or indirectly, depend on claim 1, and are rejected as being unpatentable over the combination of Morimoto and Ito, and further in view of Oishi or Entenmann, respectively. The obviousness rejections are overcome because the alleged combinations do not teach or suggest the claim limitations.

As discussed earlier relative to claim 1, the combination of Morimoto and Ito does not meet every limitation of claim 1. The additional documents, Oishi and Entenmann, are cited for their respective purported descriptions relating to using a steering sensor for detecting an operating condition of the steering wheel, and predicting an imminent driving task that is not above a threshold. They do not teach a display control unit that (1) determines a driving load on the user. Furthermore, as Morimoto does not determine a driving load on the user, (2) determines an operation menu to be displayed on the screen, using first menu information or second menu information having a less number of tiers comparing to the first menu information, according to the driving load on the user, and (3) determines, based upon the operation capability of the user, a timing to shift from displaying the operation menu using the first menu to displaying the operation menu using the second menu, as described in claim 1. Hence, neither Oishi nor Entenmann alleviates the deficiencies of Morimoto and Ito. Accordingly, even if Morimoto and Ito are further combined with Oishi or Entenmann, the combinations still fail to meet every limitation of claim 1. Consequently, claims 6-8 and 11, are patentable over the combinations of Morimoto and Ito with Oishi or Entenmann, by virtue of their dependencies from claim 1. Favorable reconsideration of claims 6-8 and 11 is respectfully requested.

CONCLUSION

For the reasons given above, Applicants believe that this application is in condition for allowance, and request that the Examiner give the application favorable reconsideration and permit it to issue as a patent. If the Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicants representatives listed below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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